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BEFORE THE

MAY 28 2004

Federal Communications CommissionFederal Communications Commission
Office of the Secretary

WASHINGTON, D. C. 20554

ORIGINAL

In re Matter of)

)

Amendment of Section 73.202(b))

File No. RM-_____

Table of FM Allotments)

(Ammon, Idaho))

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To: Assistant Chief, Audio Division, Media Bureau

MAY 25 2004

Federal Communication Commission
Bureau / Office**PETITION FOR RECONSIDERATION**

Justin Robinson ("Robinson"), pursuant to Section 1.106 of the Commission's Rules, hereby requests reconsideration of the May 6, 2004 action of the Assistant Chief, Audio Division, Media Bureau returning the above-styled Petition for Rulemaking proposing the allotment of Channel 283A to Ammon, Idaho. (See Exhibit A). In support thereof, the following is stated:

1. The Petition seeks the allotment of Channel 283A at Ammon, Idaho. The staff action dismissed the proposal as "unacceptable for consideration as filed" on the basis that an "engineering analysis indicates that Channel 283A at Ammon at the selected site (43-27-00 and 112-00-00) is short-spaced to Channel 282C1, Victor, Idaho."

2. As noted in Robertson's petition, Channel 282A is allocated to Victor, Idaho – not Channel 282C1. Additionally, the FCC database lists Channel 282A at Victor, Idaho – not Channel 282C1. (See Exhibit B.) As such, there is no basis for the Commission's dismissal of Robinson's petition and it should be expeditiously reinstated and a Notice of Proposed Rule Making issued.

3. Robinson speculates that the staff's error with respect to the allocation at Victor, Idaho, was caused by the numerous amendments recently filed by Michael Radio Group, LLC ("Michael"), the applicant for Channel 282A at Victor, Idaho (File No. BPH-19970815MF) (the "Michael Application"). Accordingly, a brief history of these amendments is appropriate.

4. Robinson filed his Petition for Rulemaking on July 3, 2003 seeking to amend the FM Table of Allotments to add Channel 283A at Ammon, Idaho (the instant petition). At that point the Michael Application proposed operation on Channel 282A – the channel allotted to Victor. On July 29, 2003 Michael filed an amendment to its application. The amendment for the first time proposed a one step upgrade of the proposed Victor station from Channel 282A to 284C1. However, since the amendment conflicted with the earlier-filed Ammon proposal, Michael subsequently amended the Michael Application on January 22, 2004 to eliminate the conflict with Robinson's Ammon proposal. In its January 22, 2004 amendment, Michael further amended its pending application to specify operation on Channel 279C1 in lieu of Channel 282A or Channel 284C1. Attached is an excerpt from Michael's January 22, 2004 amendment describing the actions taken by Michael subsequent to the filing of the Robinson Ammon petition. (See Exhibit C.)

5. As the Ammon proposal for Channel 283A is not in conflict with either the Channel 282A allocation at Victor, Idaho or the proposal for a one step upgrade of that allocation to Channel 279C1 filed subsequent to the instant proposal, there is no basis for the staff's dismissal of the Robinson proposal.

In light of the above, it is requested that the Commission expeditiously reconsider its action of May 6, 2004 and issue a Notice of Proposed Rule Making to add Channel 283A to Ammon, Idaho as the community's first FM service.

JUSTIN ROBINSON

By: 

Dennis F. Begley
His Counsel

Reddy, Begley & McCormick, LLP
1156 15th Street, N.W., Suite 610
Washington, D.C. 20005-1770
(202) 659-5700

May 25, 2004

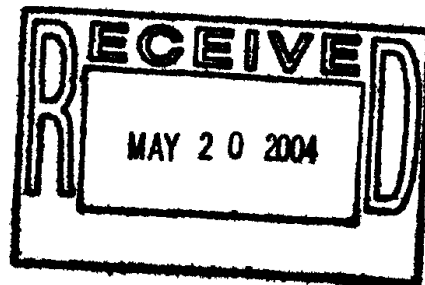
Exhibit A

**May 6, 2004 Staff Action
Returning Justin Robinson
Petition for Rulemaking (Ammon, Idaho)**



Federal Communications Commission
Washington, D.C. 20554

May 6, 2004



Dennis F. Begley, Esq.
Reddy, Begley & McCormick, LLP
2175 K Street, NW
Suite 350
Washington, DC 20037-1845

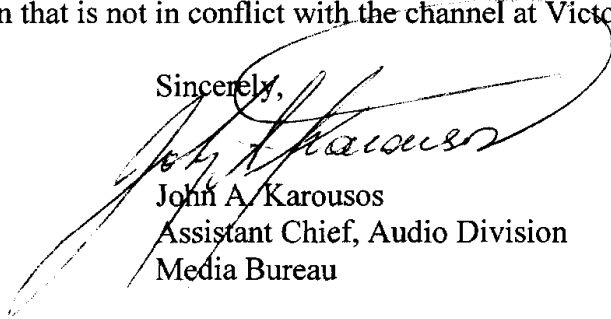
Dear Mr. Begley:

This is in response to a petition for rule making that you filed on behalf of Justin Robinson proposing the allotment of Channel 283A at Ammon, Idaho.

We have reviewed your proposal and find that it is unacceptable for consideration as filed. A staff engineering analysis indicates that Channel 283A at Ammon at your selected site (43-27-00 and 112-00-00) is short spaced to Channel 282C1, Victor, Idaho.

Based on the above discussion, we are returning your petition for Ammon, Idaho. Alternatively, you may wish to correct your petition and refile it if you determine an alternate channel is available for allotment at Ammon that is not in conflict with the channel at Victor, Idaho.

Sincerely,



John A. Karousos
Assistant Chief, Audio Division
Media Bureau

Enclosure

BEFORE THE
Federal Communications Commission
WASHINGTON, D. C. 20554

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JUL - 3 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Matter of)
)
Amendment of Section 73.202(b)) File No. RM-_____
Table of FM Allotments)
(Ammon, Idaho))

To: Chief, Allocations Branch

PETITION FOR RULEMAKING

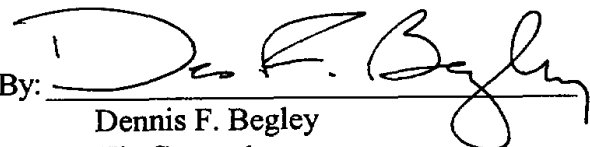
Justin Robinson ("Robinson") hereby requests the Table of FM Allotments, Section 73.202(b) of the Commission's rules, be amended to add Channel 283A to Ammon, Idaho as the community's first local FM service. In support of this request, the following is stated:

1. Ammon is an incorporated community with its own city government. It qualifies under the Commission's rules as a community. It is presently without its own FM broadcast service. An AM station, KUPI, is licensed to Ammon.
2. As noted in the attached Engineering Statement of David C. Schaberg, Channel 283A can be assigned to Ammon utilizing a reference point of 43° 27' 00" NL; and 112° 00' 00" WL. From this location, the station will provide city-grade coverage to all of Ammon, Idaho.

3. Upon assignment of the channel to Ammon, Idaho, Robinson will file an application for the facility and, upon its grant, expeditiously construct the facility.

WHEREFORE, in light of the foregoing, Justin Robinson respectfully requests that the FM Table of Allotments be amended to add Channel 283A to Ammon, Idaho as the community's first FM service.

JUSTIN ROBINSON

By: 
Dennis F. Begley
His Counsel

Reddy, Begley & McCormick, LLP
2175 K Street, N.W., Suite 350
Washington, D.C. 20037-1845
(202) 659-5700

July 3, 2003

Before The
Federal Communications Commission
Washington, DC 20554

PETITION FOR RULEMAKING

At the request of the Petitioner, Justin Robinson of Meridian, ID, engineering studies have been completed which show that the requested allocation addition may be made to the FCC's Table of Allotments, Sec. 73.203.

Ammon, ID, is a town served only by one AM broadcast station, KUPL. The requested allocation will provide Ammon with its first FM service and second aural service.

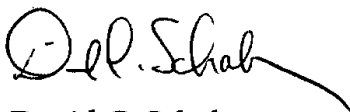
The attached engineering study shows that channel 283A may be allocated at the requested site of 43 27 00 112 00 00.

Further investigation revealed no other pending or proposed allocations or other changes which might affect this proposal.

Therefore, it is requested that the FCC Table of FM Allotments be amended as follows:

<u>Location</u>	<u>Present</u>	<u>Proposed</u>
Ammon, ID	None	283A

Respectfully submitted,



David C. Schaberg
Consultant

David C. Schaberg

Radio Consultant

3105 S. Martin Luther King Jr. Blvd. #169
Lansing, MI 48910-2939

Office 517-393-1037 -- Fax 517-272-1037

Marlene H. Dortch
Secretary, FCC
Portals H
445 12th Street SW
Washington, DC 20554

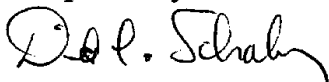
June 27, 2003

I, David C. Schaberg, am a broadcast consultant who has worked with FM allocations since 1985. Over that period of time, the Commission has granted more than 60 of my petitions on my own behalf and on behalf of clients. My background and history with the Commission is well documented and my qualifications are a matter of public record.

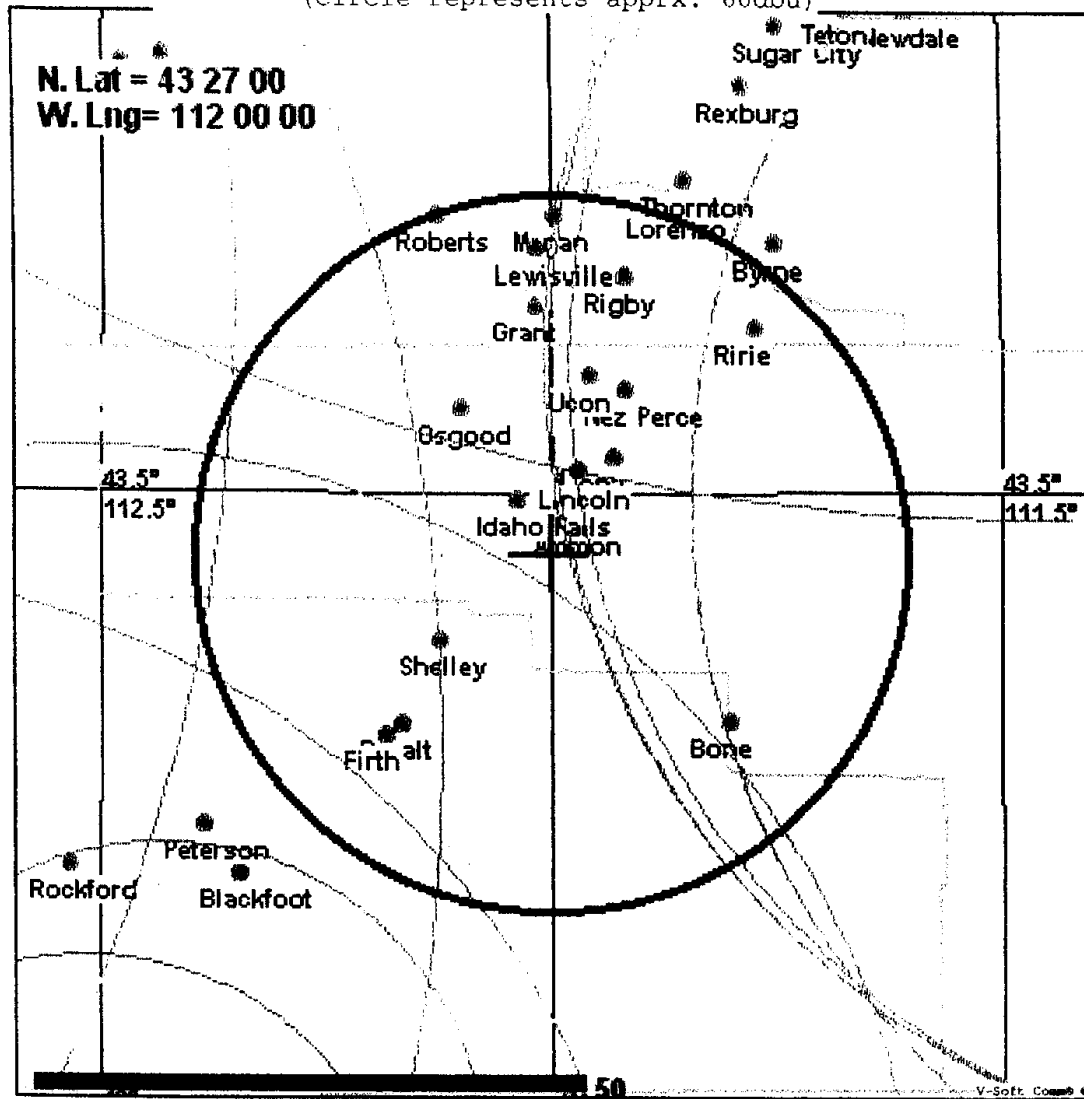
I believe, based upon the information provided to me through the FCC database of FM allotments and pending rulemakings, that the information contained in this Petition are accurate and true and reflects the Commission's desire to improve service in the public interest.

The proposal outlined is viable and works in the interests of all parties and I believe that the Commission will serve its goals and interests by a prompt approval.

Respectfully submitted,



David C. Schaberg



Call	CH#	Type	Location	D-KM	Azi	FCC	Margin
970814	282A	APP-	Victor	ID	73.57	75.9	72.0
ALLO.V	282A	VAC-	Victor	ID	73.94	76.3	72.0
KORR	281C1	LIC-N	American Falls	ID	77.64	212.9	75.0
970815	282A	APP-	Victor	ID	75.57	77.0	72.0
KBFN	283C1	LIC-	Big Sky	MT	207.82	12.0	200.0
ALLO.U	283C1	USE-	Big Sky	MT	207.82	12.0	200.0
KIKX	284C	LIC-	Ketchum	ID	175.62	264.5	165.0
970814	282A	APP-	Victor	ID	84.71	86.4	72.0
970813	282A	APP-	Victor	ID	84.74	86.4	72.0
ALLO.U	281C1	USE-	American Falls	ID	101.42	220.8	75.0
ALLO.U	284C	USE-	Ketchum	ID	194.90	277.2	165.0
ALLO.U	229C	USE-	Pocatello	ID	64.87	212.6	29.0
KZBQ	229C*	LIC-	Pocatello	ID	77.14	212.8	29.0
RDEL	285C	DEL-	Tremonton	UT	189.94	185.7	95.0
KBNZ	285C*	LIC-N	Tremonton	UT	189.94	185.7	95.0
KSIT	283C	LIC-	Rock Springs	WY	326.25	132.5	226.0
ALLO.U	283C	USE-	Rock Springs	WY	326.25	132.5	226.0
RDEL	283C	DEL-	Rock Springs	WY	326.25	132.5	226.0
ALLO.U	285C	USE-	Tremonton	UT	198.57	184.0	95.0
RADB	284C	ADD-	Lynman	WY	305.91	156.9	165.0
ALLO.U	282C	USE-	Salt Lake City	UT	310.37	183.1	165.0

FCC Data Base Listing for Victor, Idaho



FCC Home | Search | Updates | E-Filing | Initiatives | For Consumers | Find People

Audio Division Results

FM Query & FM List

(202)-418-2700

[FCC](#) > [MB](#) > [Audio Division](#) > [FM Query](#)

[AM Query](#)

[TV Query](#)

FM Query and FM List results are derived from the public files at <http://www.fcc.gov/mb/databases/cdbs>. Requests to correct data should be referred to [Dale Bickel, dale.bickel@fcc.gov](mailto:dale.bickel@fcc.gov). Comments on the FM Query may be referred to [Dale Bickel, dale.bickel@fcc.gov](mailto:dale.bickel@fcc.gov).

- This list is best printed in LANDSCAPE mode.
- Use the TEXT SIZE input on the [FM Query](#) page to change the text size in the list below, for easier printing or viewing.
- Click on the blue Call Sign or blue Facility ID Number to retrieve more detailed information from the FM Query, including access to the CDBS database records pertaining to that station.
- Records for stations outside the USA are derived from international notifications.
- The FCC does not collect information on the types of programming (jazz, talk, Top40, etc.) aired on radio broadcast stations, or about specific programs.
- License, application, and construction permit (CP) coordinates shown in the FM Query are NAD 27 coordinates.
- Antenna Structure Registration (ASR) coordinates are NAD 83.

Tue May 25 12:46:09 2004 Eastern time

Search Parameters

City: VICTOR
State: ID
Service: FM
Lower Channel 200
Upper Channel 300

Call	Channel	Class	Service	Frequency	Status	City	State	Country	File N
970813MH	222	A	FM	92.3 MHz	APP	VICTOR	ID	US	
970814MQ	222	A	FM	92.3 MHz	APP	VICTOR	ID	US	
970814ML	222	C2	FM	92.3 MHz	APP	VICTOR	ID	US	
970815MF	279	C1	FM	103.7 MHz	APP	VICTOR	ID	US	
970815MF	279	C1	FM	103.7 MHz	APP	VICTOR	ID	US	
970813MB	282	A	FM	104.3 MHz	APP	VICTOR	ID	US	
970814ME	282	A	FM	104.3 MHz	APP	VICTOR	ID	US	
970814MS	282	A	FM	104.3 MHz	APP	VICTOR	ID	US	

*** 8 Records Retrieved ***

Related Nonbroadcast Facilities: ULS Search

Using a broadcast station's facility ID number, you may search in the WTB's ULS database for nonbroadcast station records that are related to radio and TV broadcast stations, such as microwave facilities. Use the ULS Radio Services List to determine the nonbroadcast station's service. Not every AM, FM, or TV broadcast station will have related nonbroadcast operations.

Facility ID Number

Output will appear in a new browser window.
[Alternate Form](#)

Return to FM Query Data Entry screen

Audio Division Main Page

[FCC Home](#) | [Search](#) | [Updates](#) | [E-Filing](#) | [Initiatives](#) | [For Consumers](#) | [Find People](#)

Please send comments via standard mail to the Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street, S.W., Washington, D.C., 20554. Questions can also be answered by calling the FCC's National Call Center, toll free, at 1-888-Call FCC (1-888-225-5322).

Federal Communications
Commission
445 12th Street SW
Washington, DC 20554
[More FCC Contact
Information...](#)

Phone: 1-888-CALL-FCC
(1-888-225-5322)
TTY: 1-888-TELL-FCC
(1-888-835-5322)
Fax: 1-866-418-0232
E-mail: fccinfo@fcc.gov

- [Web Policies & Privacy
Statement](#)
- [Required Browser Plug-ins](#)
- [Customer Service Standards](#)
- [Freedom of Information Act](#)

**Excerpt from Michael Radio Group, LLC
January 22, 2004 Amendment to
BPH-19970815MF**

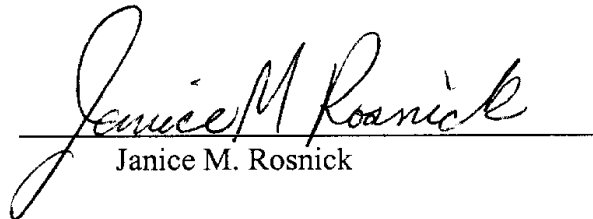
Amendment

This amendment is filed to propose a one-step upgrade from Channel 282A to 279C1. By earlier filed amendment on July 30, 2003 Michael Radio Group, LLC ('MRG') proposed a one-step upgrade to Channel 284C1. However, it was subsequently determined that the one-step upgrade on Channel 284C1 conflicts with an earlier filed rulemaking to allot Channel 283A to Ammon, Idaho. In order to eliminate this conflict, MRG is further amending its pending application to specify operation on Channel 279C1 in lieu of 282A or 284C1.

CERTIFICATE OF SERVICE

I, Janice M. Rosnick, hereby certify that on this 25th day of May, 2004, a copy of the foregoing **PETITION FOR RECONSIDERATION** was hand-delivered to the following:

John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau, Room 3-A266
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554



Janice M. Rosnick